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RESOLUTION NO. 05-261

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **LEFT AND RIGHT TURN LANES ON 13TH STREET TO SERVE THE WATERFRONT ADDITION AND ADJACENT TRACTS, INCLUDING THE RELOCATION AND BURYING OF EXISTING ELECTRICAL TRANSMISSION LINES, (EAST OF WEBB, NORTH OF 13TH) 472-83699**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **LEFT AND RIGHT TURN LANES ON 13TH STREET TO SERVE THE WATERFRONT ADDITION AND ADJACENT TRACTS, INCLUDING THE RELOCATION AND BURYING OF EXISTING ELECTRICAL TRANSMISSION LINES, (EAST OF WEBB,NORTH OF 13TH) 472-83699**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 03-153** adopted on **March 25, 2003** and Resolution **No. 03-328** adopted on **June 17, 2003** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improving **left and right turn lanes on 13th Street to serve The Waterfront Addition and adjacent tracts, including the relocation and burying of existing electrical transmission lines, (east of Webb, north of 13th) 472-83699**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Four Hundred Ninety-Three Thousand Dollars (\$493,000.00)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE WATERFRONT ADDITION

Lot 1, and Lots 3 through 5, Block 1;

Lots 6 through 8, except the west 20 feet thereof, Block 1;

Lots 1 & 2, Block 2;

THE WATERFRONT SECOND ADDITION

Lots 1 through 3, Block 1

THE WATERFRONT THIRD ADDITION

Lots 1 and 2, Block 1

THE WATERFRONT FOURTH ADDITION

Lot 1, Block 1

THE WATERFRONT FIFTH ADDITION

Lot 1, Block 1

UNPLATTED TRACTS

Tract 1 (North) – A tract of land lying in the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the Northeast corner of said Southwest Quarter; thence along the East line of said Southwest Quarter S01°00'39"E, 713.02 feet; thence S88°57'01"W, 57.60 feet; thence S57°40'37"W, 339.90 feet; thence S16°01'09"W, 140.15 feet; thence S70°25'08"W, 349.31 feet; thence S52°49'03"W, 163.18 feet; thence S78°33'59"W, 186.92 feet; thence N79°10'16"W, 93.31 feet to a point on curve to the left said curve being coincident with the Easterly line of The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, thence along said curve 690.13 feet to the Southern most corner of The Waterfront Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, said curve having a central angle of 60°49'58", a radius of 650.00 feet, and a long chord distance of 658.16 feet, bearing N19°35'15"W; thence along the Southerly line of said The Waterfront Fourth Addition, on a platted bearings for the next two courses N39°59'46"E, 174.32 feet; thence N88°56'04"E, 293.78 feet to the Southeast most corner of aforesaid addition; thence along the East line of aforesaid addition, N01°03'56"W, 489.35 feet to the Northeast corner of aforesaid addition; thence parallel with and 100 feet South of the North line of said Southwest Quarter along the South line of a railroad right-of-way recorded on Deed Book T, Page 191, N88°56'04"E, 929.04 feet to the **POINT OF BEGINNING**.

Tract 2 (South) – A tract of land lying in the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the Northeast corner of The Waterfront Fifth Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the North line of said The Waterfront Fifth Addition on a platted bearing and distance of S89°00'49"W, 831.49 feet to the East line of The Waterfront Second Addition, an addition to Wichita, Sedgwick County, Kansas; thence along said East line, N00°59'11"W, 289.72 feet to the Northeast most corner said The Waterfront Second Addition; thence along the Northerly line of said The Waterfront Second Addition S78°25'09"W, 4.13 feet; thence N01°00'39"W, 53.00 feet; thence N11°23'49"E, 152.96 feet; thence N59°03'20"E, 173.63 feet; thence N79°54'56"E,

431.63 feet; thence N54°57'38"E, 272.53 feet to the East line of said Southwest Quarter; thence along said East line of said Quarter, S01°00'39"E, 798.92 feet to the **POINT OF BEGINNING**.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Addition/Tract	Lot	Block	Fraction	Percent
The Waterfront	1	1	126	1.26%
The Waterfront	3	1	594	5.94%
The Waterfront	4	1	1,488	14.88%
The Waterfront	5	1	983	9.83%
The Waterfront	6, except the west 20'	1	245	2.45%
The Waterfront	7, except the west 20'	1	273	2.73%
The Waterfront	8, except the west 20'	1	295	2.95%
The Waterfront	1	2	270	2.70%
The Waterfront	2	2	407	4.07%
The Waterfront Second	1	1	368	3.68%
The Waterfront Second	2	1	1,000	10.00%
The Waterfront Second	3	1	253	2.53%
The Waterfront Third	1	1	512	5.12%
The Waterfront Third	2	1	273	2.73%
The Waterfront Fourth	1	1	761	7.61%
The Waterfront Fifth	1	1	617	6.17%
Un-platted Tract 1 (North)			1,241	12.41%
Un-platted Tract 2 (South)			294	2.94%
			10,000	100.00%

In the event all or part of the lots or parcels in the improvement district are re-platted before assessments have been levied, the assessments against the re-platted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof,

considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, May 10, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)